

REMARKS

Applicant requests favorable reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-49 remain pending, with claims 1, 46, and 48 being independent claims. Claims 1, 46, and 48 have been amended. Support for the amendments can be found throughout the originally-filed disclosure. Thus, Applicant submits that the amendments do not include new matter.

Claims 1-49 are rejected in the above-mentioned Office Action under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Specifically, the Office Action asserts that the claims fail to comply with the statutory requirements of 35 U.S.C. § 101 because the recited methods are not tied to another statutory class of inventions.

In response, Applicant has amended independent claims 1, 46, and 48 so as to clarify the statutory subject matter of the invention. Specifically, independent claims 1 and 46 are now tied to the statutory class of inventions of machines through the recitation that user financial information is received in a first computer system from a second computer system connected to the first computer system by a network, and by the recitation that the recommendation is generated by the first computer system. Similarly, independent claim 48 now recites that the user financial information is received in a first computer system from a second computer system connected to the first computer system by a network, and that a payment hierarchy is established by the first computer system.

Accordingly, Applicant submits that the claims are now clearly directed to statutory subject matter, and that the Section 101 rejection has been overcome and should be withdrawn.

Claims 1, 2, 9, 12-16, 22, 24, 25, 30, 31, 33-37, 39, 40, 46, and 48 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over VanLeeuwen (U.S. Patent Application Pub. No. 2002/0123949) in view of Jennings et al. (U.S. Patent No. 5,695,165) and Brown et al. (U.S. Patent Application Pub. No. 2008/0005021). The other claims of the application are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of VanLeeuwen, Jennings et al., and Brown et al., and further in view of Mendiola et al. (U.S. Patent Application Pub. No. 2005/0044042), Maritzen et al. (U.S. Patent Application Pub. No. 2002/0026423), Armes et al. (U.S. Patent Application Pub. No. 2002/0023549), Elterich (U.S. Patent Application Pub. No. 2005/0149436), Brose et al. (U.S. Patent Application Pub. No. 2005/0004856), Bent et al. (U.S. Patent Application Pub. No. 2005/0228733), Atkins (U.S. Patent No. 5,875,437), Savage et al. (U.S. Patent No. 7,326,950), Cataline (U.S. Patent Application Pub. No. 2007/0123949), Fleming (U.S. Patent No. 5,953,710), Cummings et al. (U.S. Patent Application Pub. No. 2003/0216996), Schiach (U.S. Patent Application Pub. No. 2004/0230448), or Cheraeau (National Post, January 29, 2004).

Applicant respectfully traverses the art rejections, and submits that the claims are patentably distinguishable from the cited references for at least the following reasons.

Independent claims 1, 46, and 48 recite methods allocating income to a user savings

account and to payees. The methods of independent claims 1 and 46 include, inter alia, providing a computer system that generates a recommendation that includes suggestions to both minimize user debt payments and maximize user savings. Independent claim 48 includes, inter alia, establishing a payment hierarchy which includes at least a portion of said user income allocated to said user savings account and a portion of said user income allocated to said user debts, wherein the payment hierarchy results in minimizing user debt payments and maximizing user savings.

Applicant notes that, without the hindsight afforded by the disclosure of the present application, such features would most likely be counter-intuitive to one of ordinary skill in the art. In general, methods in the art are designed to encourage people to reduce their debt, which leads to the maximization of debt payments, as oppose to maximizing money savings. The claimed invention, unlike previous art, provides novel and unobvious methods for get users to think about saving money prior to paying off debts. See, e.g., paragraph 0006 of the specification.

The Office Action uses VanLeeuwen as the primary citation in all of the rejections, and asserts that this reference discloses features of the invention. In particular, the Office Action asserts that VanLeeuwen discloses the features of the claims related to minimizing user debt payments and maximizing user savings. In support of this assertion, the Office Action cites to the disclosure of VanLeeuwen at paragraph 0043, which reads as follows:

Referring now to FIG. 5, the debt reduction logic considers the original principal amount 24, term length of the debt 20, and finally the interest rate 22 on the debt. These factors are combined and preferably measured against the baseline amount of principal owing 26 and allows the appropriate debt to be selected 28 and paid off first. The current principal amount can be used place [*sic*] of the original principal amount. Combining these factors provides a metric for measuring the time value of money when determining a sequence of payments. It also provides a plan to pay off all debts in a reduced amount of time and to minimize the interest paid. This analysis can also consider the option of consolidating debts, if possible, to enhance the objective of minimizing interest charges and time. After a consolidation or partial consolidation has taken place then this analysis is reapplied.

Applicant respectfully submits that the cited passage of VanLeeuwen actually contradicts the assertion that the Office Action cites the passage as supporting. Reducing debt does not suggest minimizing user debt payments. Nor does VanLeeuwen's disclosures of seeking to reduce the interest to be paid and/or the time to pay off a debt suggest that debt payments should be minimized. Minimizing debt payments would both increase the amount of interest to be paid, and increase the time it takes to pay off a debt. In order to reduce a debt, minimize the interest to be paid on the debt, and minimize the time for paying off the debt, as VanLeeuwen expressly discloses, one of ordinary skill in the art would understand the reference to teach maximizing, not minimize, user debt payments.

Moreover, other portions of VanLeeuwen suggest that debt-payments are paid

before money is allocated to any other purpose. For example, VanLeeuwen discloses that “[a]fter a user’s debts are paid off, [] payments can be applied to retirement or other future planning.” Paragraph 0087. As another example, VanLeeuwen notes that a method is provided “for determining a financial debt that should be paid down first to reduce a person’s overall financial debt.” Paragraph 0011. In fact, the large majority of the disclosure of VanLeeuwen is directed at ways to analyze, prioritize, and pay down a user’s debt. See, e.g., paragraphs 0005-0007; 0010; 0011; 0024; 0038-0056; 0061-0071; 0074-0078. Thus, Applicant submits that, contrary to the assertion in the Office Action, VanLeeuwen does not disclose a method where debt payments are minimized and user savings are maximized, as recited in independent claims 1, 46, and 48. If anything, VanLeeuwen suggests the complete opposite: maximizing debt payments while minimizing the use of money for other purposes, such as savings, in order to achieve the reference’s primary purpose of paying down debt.

Applicant further submits that the secondary citations in the Office Action fail to cure the deficiencies of VanLeeuwen. The Office Action asserts that the secondary citations disclose various features of the invention. In Applicant’s view, however, none of these references discloses or suggests the features of the invention related to minimizing debt payments and maximizing user savings. Moreover, even if one of the references could be taken as suggesting such features, the clear disclosure of VanLeeuwen of maximizing debt payments teaches away from the invention such that it would not be

obvious to one of ordinary skill in the art to modify VanLeeuwen in a manner to somehow derive the claimed invention.

For the foregoing reasons, Applicant submits that the present invention, as recited in independent claims 1, 46, and 48, is patentably defined over all of the cited art.

The dependent claims also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in the independent claims. Applicant requests further individual consideration of these dependent claims.

Applicant submits that this application is in condition for allowance. Therefore, Applicant requests favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance.

Applicant's undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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